

C O P Y

1954

Jan 15

Dr. Hilton G. Duley
Commissioner of Education
State Board of Education
State House Annex
Concord, New Hampshire

Dear Dr. Duley:

You have asked whether a school board, acting for a school district which does not maintain its own high school, has the authority to make a contract with an approved school of the same or neighboring district which would require pupils to attend such school if they wish to have their tuition paid.

R.L. c. 138, s. 21 provides that any school district may enter into contracts with approved schools for the purpose of supplying the educational needs of the district.

You have further asked whether the School Board of Pembroke has any obligation to pay tuition to other than the contract school.

May I refer you to R.L. c. 137, s. 3 as amended by s. 3, c. 139, Laws of 1959 and R.L. c. 138, ss. 23, 24 and 25. A review of these sections indicates:

1. That under the provisions of s. 21, supra, if the contract is approved, the school with which it is made shall be considered as a high school maintained by the district.
2. Transfers may be made as provided in s. 23, and payment made in accordance with s. 26.
3. In the absence of a contract as provided in s. 21, s. 26 applies.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB, Jr/T

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